

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28676-28750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 24, 1938]

28676. Adulteration and misbranding of ether (ethyl oxide). U. S. v. 40 Cans labeled "Ether U. S. P. 10" * * * (Ethyl Oxide U. S. P. XI)." Default decree of condemnation and destruction. (F. & D. No. 41827. Sample No. 18392-D.)

Nine of ten cans of this product that were analyzed contained peroxide.

On February 25, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of ether (ethyl oxide) at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 22, 1938, from Rahway, N. J., by Merck & Co., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Ethyl Oxide," it differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard of strength was not stated on the container; and in that its strength fell below the professed standard and quality under which it was sold, "Ether U. S. P. 10," in that it contained peroxide.

It was alleged to be misbranded in that the statements on the label, "Ethyl Oxide U. S. P. XI" and "Ether U. S. P. 10," were false and misleading when applied to an article that contained peroxide.

On March 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28677. Adulteration and misbranding of absorbent cotton. U. S. v. 720 Packages of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 38329. Sample No. 8435-C.)

This product was represented to be sterile, whereas it contained viable micro-organisms.

On September 25, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 720 packages of absorbent cotton at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by Johnson & Johnson from New Brunswick, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Scientifically sterilized * * * Ward's Absorbent Cotton Surgical Grade Distributed by Montgomery Ward & Co., Chicago."

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "sterilized," since it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the following statements on the cartons were false and misleading since it was not sterile and was not fit for surgical purposes: (Large carton) "Sterilized * * * Surgical Grade"; (small cartons) "Scientifically Sterilized * * * Surgical Grade."

On March 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*